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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,419	11/14/2003	Mark L. Iske	SHAR/501US	2734
22031	7590	09/14/2005	EXAMINER	
NICK A NICHOLS P O BOX 16399 SUGARLAND, TX 774966399			BUI, LUAN KIM	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,419

Applicant(s)

ISKE ET AL.

Examiner

Luan K. Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

2. The specification is objected to under 37 CFR 1.71, as failing to provide an adequate written description of the invention and failing to adequately teach how to make and/or use the invention, i.e. failing to provide an enabling disclosure because the application fails to sufficiently describe double door access means and a second access door pivotally connected to said cabinet as recited in claim 17 because the instant specification and the drawings only show first and second access doors but claim 17 recites three doors. Clarification is required.

3. Claims 17-20 are rejected under 35 USC 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "double door access means" in claims 11 and 17 lacks antecedent basis because the specification fails to provide support for such phrase.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4, 5, 10-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirksey (4,576,281) in view of Vanderbeck (3,469,750) or Truesdale et al. (5,637,238; hereinafter Truesdale'238) and McCarthy (6,332,554). Kirksey discloses a sharps disposal system (22) comprising a substantially rigid cabinet (24) defining an inner chamber, a sharps receptacle (44) contained within the cabinet, a second access door (34) pivotally secured to the cabinet and lock means (48) for locking the cabinet. Kirksey also discloses the other claimed limitations except for a first access door being pivotally connected to the cabinet. Vanderbeck shows a sharps disposal system (10) comprising a cabinet (12), a first access door secured (14) to the cabinet and a second access door (16) secured to the cabinet. Truesdale'238

Art Unit: 3728

suggests shows a sharps disposal system (10) comprising a cabinet (14), a first access door secured (16) to the cabinet and a second access door (218) secured to the cabinet. McCarthy teaches a storage box (1) comprising a housing (2-5), a first access door (6) pivotally secured to the housing and a second access door (7) pivotally connected to the housing.

It would have been obvious to one having ordinary skill in the art in view of Vanderbeck or Truesdale'238 and McCarthy to modify the system of Kirksey so it comprises a first access door secured to the cabinet as taught by Vanderbeck or Truesdale'238 for better access into the interior of the cabinet and the first access door is pivotally secured to the cabinet as taught by the second access door of Kirksey or McCarthy to facilitate opening and closing the cabinet.

As to claims 2, 13 and 19, Kirksey discloses a conduit (60).

As to claim 4, Vanderbeck shows a bracket for holding a receptacle (48) (Figure 2).

As to claims 10 and 16, Kirksey discloses the sharps receptacle comprises threads (46) for engaging with threads on a lid.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 2 above, and further in view of Honeycutt et al. (6,010,444; hereinafter Honeycutt'444). Kirksey further fails to show the sharps receptacle includes a lid having segmented fingers. Honeycutt'444 shows a container (1) having a fluid tight seal (2) with segmented fingers extending radially inward toward the center of an opening (Figure 1). It would have been obvious to one having ordinary skill in the art in view of Honeycutt'444 to modify the sharps receptacle of Kirksey so the lid of the sharps receptacle having segmented fingers to prevent the sharps from falling out of the receptacle.

Art Unit: 3728

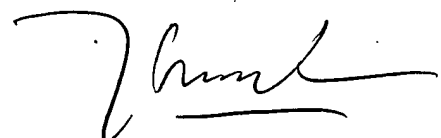
9. Claims 6-9, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1, 11 and 19 above, and further in view of Marsh (5,647,502) or Baker, Sr. et al. (4,662,516; hereinafter Baker'516). Kirksey further fails to show a mounting bracket for securing the cabinet to a mounting surface. Marsh teaches a cabinet (120) and a mounting bracket (110) for securing the cabinet to a mounting surface (Figure 1). Baker'516 shows a sharps disposal system (10, 11) comprising a cabinet (11) and a mounting bracket (15) for securing the cabinet to a mounting surface. It would have been obvious to one having ordinary skill in the art in view of Marsh or Baker'516 to modify the system of Kirksey as modified so it includes a mounting bracket for better securing the cabinet to a mounting surface such as a wall to provide more convenience for a user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (571) 273-8300 for Formal papers and After Final communications.

lkb
September 12, 2005



Luan K. Bui
Primary Examiner